

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JEANNE K. ENDO,)	CIVIL NO. 03-00563 LEK
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM IN SUPPORT
)	
UNITED PUBLIC WORKERS, AFSCME)	
LOCAL 646, AFL-CIO,)	
)	
Defendant.)	
)	
vs.)	
)	
GARY W. RODRIGUES,)	
)	
Third-Party)	
Defendant)	
_____)	

MEMORANDUM IN SUPPORT

In the instant action, Plaintiff alleges that since she started working for Defendant United Public Workers, AFSCME Local 646, AFL-CIO (hereinafter "UPW") in or about late 1994 until on or about June 14, 2001, UPW's State Director, Third-Party Defendant Gary W. Rodrigues subjected her to a sexually hostile work environment, and that he later retaliated against her for refusing to continue a sexual relationship with him.

In the course of depositions Plaintiff's counsel attempted to elicit testimony from witnesses as to whether Rodrigues "controlled" the UPW, it's State Executive Board or its Executive Committee.

Any evidence of whether Rodrigues' "controlled" the UPW in any manner is entirely speculative, vague, and unrelated to

any material issue connected to the manner in which Plaintiff allegedly was treated by Rodrigues in the course of her employment with the UPW and is therefore irrelevant and inadmissible pursuant to Rule 402, FRE. Such evidence that clearly would result in unfair prejudice to Rodrigues, confuse the issues in this case, and/or mislead the jury, also should be barred by Rule 403, FRE.

Based on the foregoing, Third-Party Defendant Rodrigues respectfully requests that this Court issue an order barring any testimony by witnesses as to whether Rodrigues "controlled" the UPW, it's State Executive Board, or its Executive Committee.

DATED: Honolulu, Hawaii, April 22, 2008.

/s/ Eric A. Seitz
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Defendant Gary W. Rodrigues